IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23636 of 2004

Between:

K.Hanumanth Rao S/o.Late K.Rama Rao
1-10-304, Brahmanvadi, 7th Lane opp.Amogha Apartments,
Begumpet, Hyderabad 500 -16.

..... PETITIONER

AND

The Joint Managing Director

HRD Commerical IPC&Reforms AP TRANSCO
Vidyuth Soudha, Hyderabad 500 082.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction, more particularly one in the nature of writ of certiorari, to call for the records pertaining to impugned memo No.CCM(HRD&Trg) DE(DE)/111-NC/2004-1. dt 21-5-2004 on the file of respondent and quash the same as illegal, arbitrary and violative of Rule 9(2)b(ii) of A.P.Revised pension rules, 1980 as adopted by the A.P.TRANSCO.

Counsel for the Petitioner:MR.A.M.RAO

Counsel for the Respondent : MR.S.RAVINDRANATH, STANDING COUNSEL

The Court at the stage of admission, made the following :

ORDER:

The present writ petition is filed by the petitioner to quash the Impugned Memo No.CCM(HRD & TRG DE(DC)/111-NC/2004-1 dated 21-5-2004 issued by the respondent-Corporation as illegal, arbitrary and violative of Rule 9(2)(b)(ii) of A.P.Revised Pension Rules, 1980.

The facts are in narrow compass. The petitioner worked in the respondent-Corporation and retired from service on 17.02.2003. Thereafter the impugned proceedings dated 21.5.2004 have been issued to the petitioner calling for his explanation as to why the entire pensionary benefits of Rs.11,80,897/- should not be adjusted against the recoverable amount. Challenging the same, the present writ petition is filed.

The learned counsel appearing for the petitioner contended that

recovery of alleged amount relates to the period from 1992 to 1995 and the same is contrary to the Rule 9(2)(b)(ii) of Revised Pension Rules, 1980 and therefore, prays to set aside the same.

On the other hand, the learned Standing counsel appearing for the respondent-Corporation opposed the same on the ground that it is only a show-cause notice and that the petitioner can as well give his explanation.

The jurisdiction of the authority who issued the show-cause notice is not under challenge. The petitioner in pursuance of the impugned proceedings, gave his explanation and the same shall have to be considered by the respondent-Corporation in accordance with Rule 9(2)(b)(ii) of the A.P.Revised Pension Rules, 1980 and any other relevant Rules which are applicable to the facts of the case.

Therefore, without entering into the merits of the case, a direction is given to the respondent-Corporation to take a decision and pass appropriate orders as per Rule 9(2)(b)(ii) of A.P.Revised Pension Rules, 1980 and any other relevant Rules which are applicable for the purpose of deciding the present issue, within a period of one month from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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28.12.2004

NOTE: Office to furnish C.C within two days

(B.O)

bsv

To

The Joint Managing Director

HRD Commerical IPC&Reforms AP TRANSCO
Vidyuth Soudha, Hyderabad 500 082.

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